

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO | |
|----------------------------|-------------|----------------------|-------------------------|-----------------|--|
| 10/009,915 05/22/2002 | | Niloy Bhadra | 22310/04020 | 3931 | |
| , 7590 11/17/2003 | | | EXAMINER | | |
| Jeanne E Long | muir | BONDERER, DAVID A | | | |
| Càlfee Halter & Suite 1400 | Griswold | ART UNIT | PAPER NUMBER | | |
| 800 Superior Av | /enue | 3732 | | | |
| Cleveland, OH 44114-2688 | | | DATE MAILED: 11/17/2003 | 10 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. Applicant(s) BHADRA ET AL. | | | | | | |
|--|--|--|--|---|--|----------------------------------|
| Examiner D. Austin Bonderer D. Bonder | | | Application | on No. | Applicant(s) | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extendings of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be limely filled after SIX (6) MONTHS from the mailling date of this communication. If the period for reply specified above is lass than thin (20) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, a reply valinin the statutory minimum of thin) (30) days, will be considered timely. Frailure for reply valinin his near or denaded pariod for reply valid, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, over if timely filled, may reduce any statute. 1) □ Responsive to communication(s) filed on 22 May 2002. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is privated the private and action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the ments of closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.14 is/are pending in the application. 4) □ Claim(s) 1.14 is/are allowed. 6) □ Claim(s) 1.14 is/are allowed. 7) □ Claim(s) 1. | • | | 10/009,9 | 15 | BHADRA ET AL. | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Betanions of the may be available under the provisions of 37 CFR 1.13(b). In no event, however, may a reply be limely filled shows of the reply a semilable under the provisions of 37 CFR 1.13(b). In no event, however, may a reply be limely filled shows of the reply semilable under the provisions of 37 CFR 1.13(b). In no event, however, may a reply be limely filled shows of the reply semilable under the provisions of 37 CFR 1.13(b). In no event, however, may a reply be limely filled shows of the reply show the state of eventhed period for reply while the statutory minimum of thirty (30) days, will be considered limely. If NO period for reply is specified above, the maximum statutory period will apply and will expire 31% (6) MONTH's from the mailing date of this communication. Failure to reply within the sat or extended period for reply with, by status, cause the application to become ARMOCHEO (34 V.2.6, \$130). Status 1) □ Responsive to communication(s) filled on 22 May 2002. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is application is in condition for allowance except for formal matters, prosecution as to the merits in closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) □ is/are pending in the application. 4a) ○ Claim(s) □ is/are rejected. 5) □ Claim(s) □ is/are rejected. 7) □ Claim(s) □ is/are rejected. 8) □ Claim(s) □ is/are rejected to selected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) filled on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §\$ 119 (a) or (f). a) □ Acknowledgment is made of a | | Office Action Summary | Examiner | | Art Unit | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(s). In no event, however, may a reply be timely filed after Str. (s) (MONTHS from the mailing date of this communication. If the period for reply specified above is sets than thin'r (30) signy, a reply-vielln that statutory minimum of thin'r (30) stays will be considered timely. If the period for reply specified above is sets than thin'r (30) signy, a reply-vielln that statutory minimum of thin'r (30) stay will be considered timely. If the period for reply specified above is sets than thin'r (30) stays, a reply-vielln than statutory minimum of thin'r (30) stay will be considered timely. If the period for reply section the period stay is a statutory provided by the considered timely. If the period for reply section the period statutory is active to the period of the communication and the period statutory and the section of the communication of the communication of the communication of the section of the communication of the communication of the communication of the section of the communication of the | | | D. Austin | Bonderer | 3732 | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CPR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply selfind doors is less than thing (30) days, a reply within the statutory minimum of thisty (30) days, a reply within the statutory minimum of thisty (30) days. Failure to reply within the set or advanded period for reply with. By statute, causes the application to become ABANDONED (39 U.S.C. § 133). Any reply received by the Office start than three months after the mailing date of this communication, even if timely filed, may reduce any sammed patent form adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 22 May 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits in closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are a closed. Claim(s) is/are rejected. 7) Claim(s) is/are a considered to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121. 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) See the attached de | eriod f | | appears on the | cover sheet with t | he correspondence address | 5 |
| 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 8) ☑ Claim(s) is/are objected to. 8) ☑ Claim(s) is/are objected to. 8) ☑ Claim(s) is/are objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121. 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☑ Copies of the certified action for a list of the certified copies not received. 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application ea specific reference was included in the first sentence of the specification or in an Application Data St 37 CFR 1.78. a) ☐ The translation of the foreign language provisional application has been received. | THE - External control | MAILING DATE OF THIS COMMUNICATIOn since the may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication aperiod for reply specified above is less than thirty (30) days, and period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by streply received by the Office later than three months after the maximum statute. | ON. R 1.136(a). In no even. a reply within the stateriod will apply and watatute, cause the app | ent, however, may a reply utory minimum of thirty (30 ill expire SIX (6) MONTHS lication to become ABANE | be timely filed O) days will be considered timely. If from the mailing date of this community OONED (35 U.S.C. § 133). | nication. |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits i closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-14 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121: 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional applicatione a specific reference was included in the first sentence of the specification or in an Application Data Sf 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. | 1)⊠ | Responsive to communication(s) filed on 2 | 22 May 2002. | | | |
| closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-14 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(1) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional applicasince a specific reference was included in the first sentence of the specification or in an Application Data Sf 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. | 2a)□ | This action is FINAL. 2b)⊠ T | This action is no | on-final. | | |
| 4) | 3)□ | | | | | its is |
| 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ☒ Claim(s) is/are objected to. 8) ☒ Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(1) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received in Application No 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application can be a specific reference was included in the first sentence of the specification or in an Application Data St 37 CFR 1.78. a) □ The translation of the foreign language provisional application has been received. | Disposit | ion of Claims | | | | |
| 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(1) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application can be specific reference was included in the first sentence of the specification or in an Application Data St 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific | 5) 6) 7) | 4a) Of the above claim(s) is/are with Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. | ndrawn from co | | | |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.1210 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. | • | | | • | | |
| Priority under 35 U.S.C. §§ 119 and 120 12) | • | The drawing(s) filed on is/are: a) Applicant may not request that any objection to | accepted or b) the drawing(s) t | pe held in abeyance. | See 37 CFR 1.85(a). | 121(d). |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application a specific reference was included in the first sentence of the specification or in an Application Data Stage 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specification or 122 since a specification or 123 since a specification or 124 since a specification or 125 since a specification or 125 since a specification or 125 since a specific | 11) | The oath or declaration is objected to by the | e Examiner. No | ote the attached O | ffice Action or form PTO-1 | 52. |
| a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional applica since a specific reference was included in the first sentence of the specification or in an Application Data St 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specifical contents. | - | • | | | | |
| reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.7 | 13) | All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the application from the International Bu See the attached detailed Office action for a Acknowledgment is made of a claim for dom since a specific reference was included in the 37 CFR 1.78. a) The translation of the foreign language Acknowledgment is made of a claim for dom | nents have been nents have been priority documented (PCT Rull list of the certinestic priority use first sentences provisional appressic priority usestic priority usestic priority usestic priority usestic priority usestic priority uses the provisional appressic priority uses the priority u | en received. en received in Applents have been received in Applents have been received 17.2(a)). ender 35 U.S.C. § 1 application has been nder 35 U.S.C. §§ | lication No ceived in this National Stag ceived. 19(e) (to a provisional app on or in an Application Data n received. 120 and/or 121 since a sp | olication) a Sheet. ecific |
| Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) |) 🔲 Noti | ce of References Cited (PTO-892) | 3) | | | |

Application/Control Number: 10/009,915

Art Unit: 3732

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-11, drawn to a surgical tool set.

Group II, claim(s) 12, drawn to surgical centering jig.

Group III, claim(s) 13, drawn to surgical insertion tool.

Group IV, claim(s) 14, drawn to a surgical sensor insertion tool.

- 2. The inventions listed as Groups I, II, III, and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: each of the claim sets within in the groups are drawn to distinct and separate structure not encompassed by each of the remaining groups (claims) as listed, i.e., each group is drawn to distinct tools and/or tool sets.
- 3. A telephone call was made to Larry Conner on 11-10-03 to request an oral election to the above restriction requirement, but did not result in contact being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

Application/Control Number: 10/009,915

Art Unit: 3732

amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Austin Bonderer whose telephone number is 703.306.5911. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P Shaver can be reached on 703.308.2582. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0873.

dan

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700